

APPEAL NO. 020566
FILED APRIL 17, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 4, 2002. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury sustained on _____, does not extend to or include an injury to the claimant's cervical spine or lumbar spine. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable hernia injury when he lifted a machine while working for the employer. The issue before the hearing officer involved the extent of the compensable injury. The claimant had the burden to prove the extent of his compensable injury. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision that the claimant's compensable injury does not extend to and include an injury to the claimant's cervical spine or lumbar spine is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge